

fully implemented. EPA is therefore proposing to approve this submittal.

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989 the Office of Management and Budget (OMB) waived Tables 2 and 3 SIP revisions (54 FR 2222) from the requirement of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

By this action, EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. This program does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the State. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 10, 1993.

Jack McGraw,

Acting Regional Administrator,

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BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-4694-3]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Plymouth Harbor/Cannons Engineering Corporation Site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces its intent to delete the Plymouth Harbor/Cannons Engineering Corporation Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act (CERCLA). EPA and the Commonwealth of Massachusetts have determined that all appropriate CERCLA actions have been implemented and that no further cleanup at the Site is appropriate. Moreover, EPA and the Commonwealth have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this site may be submitted on or before October 6, 1993.

ADDRESSES: Comments may be mailed to: James M. Di Lorenzo, Remedial Project Manager, Waste Management Division, U.S. Environmental Protection Agency, J.F.K. Federal Building (HSN-CAN5), Boston, MA 02203.

Comprehensive information on this site is available through the EPA Region I public docket, which is located at EPA's Region I office and is available for viewing by appointment only from Monday through Friday, excluding holidays. Requests for appointment or copies of the contents from the Regional public docket should be directed to the EPA Region I Records Center.

The address for the Region I Records Center is: EPA Records Center, 90 Canal Street, 1st Floor, Boston, MA 02114(617) 573-5729, Contact: Ellen Culhane.

A copy of the Regional public docket is also available for viewing at the Plymouth Harbor/Cannons Engineering Corporation Site information repository located at: Plymouth Public Library, 11 North Street, Plymouth, MA 02360, (508) 746-1927.

FOR FURTHER INFORMATION CONTACT: James M. Di Lorenzo, Remedial Project Manager, Waste Management Division, U.S. Environmental Protection Agency, J.F.K. Federal Building (HSN-CAN5), Boston, MA 02203, (617) 223-5510; or

Daniel J. Coughlin, Section Chief, Waste Management Division, U.S. Environmental Protection Agency, Region I, J.F.K. Federal Building (HSN-CAN5), Boston, MA 02203, (617) 573-9620; or

Harish Panchal, State Remedial Project Manager, Bureau of Waste Site Cleanup, Massachusetts Department of Environmental Protection, One Winter Street (5th floor), Boston, Massachusetts 02108, (617) 556-1118.

SUPPLEMENTARY INFORMATION:

I. Introduction

II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region I announces its intent to delete the Plymouth Harbor/Cannons Engineering Corporation Site, Plymouth, Massachusetts, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund).

Pursuant to § 300.425 (e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning this site thirty (30) days after publication of this notice in the **Federal Register**.

Sections II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA will consider, in consultation with the Commonwealth, whether any of the following criteria have been met:

1. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate; or

2. All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or

3. Responsible or other parties have implemented all appropriate response actions required.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management in activities such as allocating Fund resources among releases.

EPA Region I will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. EPA region I has recommended deletion and has prepared the relevant documents.

2. EPA and the Commonwealth conducted a joint inspection of the site on September 18, 1992, five years after the commencement of the remedial action. The Commonwealth of Massachusetts has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate Federal, state and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts two weeks from the date of the notice, August 25, and will conclude on October 6, 1993.

4. The Region has made all relevant documents available in the Regional Office and local site information repository.

The comments received during the notice and comment period will be evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period. The deletion will occur after the EPA Regional Administrator places a notice in the **Federal Register**. The NPL will reflect any deletions in the next final

update following the notice. Public notices and copies of the Responsiveness Summary will be made available to the local community by Region I.

IV. Basis for Intended Site Deletion

The Cannons Engineering Corporation-Plymouth Harbor Site (CEC-Plymouth Site or Site) is located in an industrial park known as Cordage Park in the town of Plymouth, Massachusetts. The CEC-Plymouth Site is one of four separate but related sites which form the Cannons Engineering Corporation Superfund Sites. The others are the Cannons Engineering Corporation Bridgewater Site in Bridgewater, Massachusetts; the Tinkham's Garage Site in Londonderry, New Hampshire; and the Gilson Road Site in Nashua, New Hampshire. All four sites are being handled under one enforcement effort.

The CEC-Plymouth Site consists of approximately 2.5 acres which is bordered on the northeast perimeter by Plymouth Harbor and on the southeast perimeter by a tidal stream. The site previously contained three above-ground storage tanks, each surrounded by an earthen berm measuring 6 to 8 feet in height. Tanks No. 1 and No. 2 each had a storage capacity of 250,000 gallons and tank No. 3 had a storage capacity of 500,000 gallons. The tanks were originally used for the storage of No. 6 fuel oil and bunker C oil until 1974 when this practice was discontinued. In 1975, the Cannons Engineering Corporation (CEC) leased the tanks for storage of waste oils and liquid hazardous substances, utilizing the gross storage capacity of tanks No. 1 and No. 2. Tank No. 3 was never utilized by CEC, though it was being prepared for similar use. In 1979, CEC was licensed by the Commonwealth of Massachusetts to store wastes at its Plymouth Facility. On June 12, 1980, the Commonwealth issued an Order of Revocation alleging that CEC had violated hazardous reporting regulations by falsifying documents. CEC was ordered to cease operations immediately.

From 1980 to 1983, site inspections by the EPA and the Massachusetts Department of Environmental Quality Engineering (DEQE), currently the Massachusetts Department of Environmental Protection (MADEP), indicated that the two smaller tanks, No. 1 and No. 2, were leaking a mixture of hazardous wastes from several seams, contaminating soils below. The tanks, which then were approximately 60 years old, were located about 20 yards from Plymouth Harbor.

The site was ranked according to EPA's Hazard Ranking System (HRS) which prioritizes sites for inclusion on the National Priorities List (NPL) of Superfund Sites. The CEC-Plymouth Site received a score of 54.82 and was proposed for listing on the NPL in December 1982. The NPL site listing was finalized in September 1983.

When CEC was shutdown by the Commonwealth in 1980, approximately 500,000 gallons of liquid hazardous substances stored in tanks No. 1 and No. 2 were abandoned at the Plymouth facility. A consent agreement between EPA and Salt Water Trust, the site owner, was entered into in August 1983 which required the Trust to drain and clean one of the two tanks containing waste. In September 1983, Jetline Services, Inc., under contract to Salt Water Trust, drained and cleaned the contents of tank No. 1. In January 1984, an EPA contractor, Clean Harbors, drained and cleaned the second tank, tank No. 2, completing the stored liquids removal. Both tanks were steam cleaned after emptying. There were no abandoned liquid hazardous substances stored in tank No. 3 at the Plymouth facility, because CEC never made use of this tank.

A Remedial Investigation and Feasibility Study (RI/FS) was completed in June 1985. In general, on-site soils were found to be relatively free of volatile organic compounds. Polynuclear aromatic hydrocarbons (uPAHs), lead, and pesticides were detected in on-site soils, but were not distributed in high concentrations in a uniform manner laterally or vertically. Groundwater was evaluated and found to be free of organic contaminants. Low levels of inorganics were detected in some samples.

A Record of Decision (ROD) was issued for the site in September 1985 which specified the following actions:

1. Dismantling and disposal of the three storage tanks and associated piping at an appropriate off-site facility.

2. Supplemental sampling in order to confirm the pattern of contamination identified in the RI, and to characterize the contaminant distribution located underneath the storage tanks. Supplemental samples were to be taken from soils under the dismantled tanks; surface and subsurface soil locations outside the tank berms; five on-site groundwater monitoring wells; and surface water and sediments located in the tidal seep.

3. Preparation of a site specific Floodplain Assessment. A plan for future action set forth in the 1985 ROD indicated that data generated from the supplemental sampling and floodplains

assessment would be evaluated to assess the need for an amended ROD. Following implementation of the ROD and evaluation of the sampling data, however, EPA, in consultation with the Commonwealth, determined that the only necessary further response action at the site was a removal of stained soils.

As required in the ROD, a Floodplains Assessment was completed in January 1986. The Floodplain Assessment concluded that the CEC-Plymouth site lies within the 100 year floodplain. Several recommendations were presented in the Floodplains Assessment based on the specific remedial alternative selected. These recommendations were complied with during the subsequent response actions.

In April 1987, a detailed Work Plan and a Field Operations Plan (FOP) were completed for the site by an EPA contractor which called for the dismantling and disposal of the storage tanks and the performance of a Supplemental Sampling Program.

Prior to tank dismantling and disposal, the site was fenced in June 1987 to restrict uncontrolled access. The three storage tanks were inspected, decontaminated, demolished and disposed of off-site by EPA contractors during the Fall of 1987.

During the course of the tank dismantling and disposal, an area of stained soils was identified adjacent to the former location of tank No.1. The tank dismantling subcontractor excavated and drummed approximately 3 cubic yards of stained soil. The drummed soil was transferred off-site with the rest of the manifested wastes. It was estimated that up to 180 cubic yards of soil contaminated with oily materials and hazardous substances remained within the bermed area of tank No. 1.

As required by the ROD, a supplemental sampling program was conducted by an EPA contractor in the Fall of 1987. The supplemental sampling program confirmed almost all of the contaminant characterization of

the RI. On-site soils were free of VOC contamination, but were found to contain PAHs, lead and low levels of pesticides. In the one finding that differed from the results in the RI, no pesticides were found in the tidal seep sediments.

Pursuant to a consent decree, in September 1988, a removal of the stained soils identified adjacent to tank No. 1 was conducted by the Potentially Responsible Parties (PRPs). Approximately 200 tons of soil contaminated with oily materials and hazardous substances were excavated and disposed of at a Subtitle C hazardous waste facility. In addition, the top 6"-12" of soil from the interior of each of the three bermed areas where the tanks were previously located, approximately 50 tons, was excavated and disposed of along with the stained soils.

The sources of concentrated hazardous substances have been removed from the site. Evaluations of groundwater and soil residuals indicate that the site does not have the potential to significantly degrade air media, groundwater, or adjacent surface water bodies.

Therefore, the existing site conditions are currently protective and will not present an ongoing threat to human health and the environment for future commercial/industrial applications of the property. Based on the residual levels of PAHs and lead in on-site soils, the Endangerment Assessment (April 1989) concluded that the site can not be developed residentially unless further studies and/or subsequent remedial actions indicate that uses for the site other than commercial/industrial are appropriate.

Since the protectiveness determination is based upon continued commercial/industrial uses of the site, institutional controls, in the form of deed restrictions, are necessary.

The declaration of restrictions, recorded on April 21, 1992, provides in part that;

1. The site property will not be used for residential, school, hotel, motel, community and/or recreational purposes unless a study conducted by a qualified engineering or environmental consulting firm with risk assessment capabilities indicates to EPA and the Commonwealth of Massachusetts that there is no public health threat presented by conditions associated with residential, school, hotel, motel, community and/or recreational usage of the property; or

2. Response actions are undertaken and EPA and the Commonwealth of Massachusetts certify that residential, school, hotel, motel, community and/or recreational usage of the site is appropriate under remediated conditions.

The requirements of OSWER Directive 9355.7-02 dated May 23, 1991, provide that EPA will conduct five-year reviews as a matter of policy at sites for which the remedy was selected prior to the passage of the Superfund Amendments and Reauthorization Act (SARA) where hazardous substances will remain on-site above levels that allow for unlimited use and unrestricted exposure. Since residual contamination is being left on-site and future use of the site is limited, compliance with the five-year reviews will be maintained. The first five-year review for the site was completed on December 4, 1992.

EPA, with concurrence from the Commonwealth of Massachusetts, has determined that all appropriate responses under CERCLA at the Plymouth Harbor/Cannons Engineering Corporation Site have been completed, and that no further cleanup is appropriate.

Dated July 28, 1993.

Paul G. Keough,

*Acting Regional Administrator, USEPA
Region I.*

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